

THE CONSTITUTION OF THE UNITED STATES

PREAMBLE

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this CONSTITUTION for the United States of America.

The Preamble is an introduction that explains why the Constitution is necessary and lists the purposes and goals to be achieved.

ARTICLE 1: THE LEGISLATIVE BRANCH

SECTION 1: CONGRESS

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section One establishes a bicameral legislature (a law making institution known as Congress with two houses); grants Congress the sole power to enact or make laws at the national level of government. (The executive and the judicial branches do possess law-making powers.)

SECTION 2: THE HOUSE OF REPRESENTATIVES

CLAUSE OR PARAGRAPH ONE

The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

This paragraph sets the House of Representatives' term at two years And provides for the popular election of Representatives. The term "electors" is synonymous (means the same as) to voters.

CLAUSE OR PARAGRAPH TWO

No person shall be a Representative who shall not have attained to the age of twenty five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

When you read this clause be aware that the founding fathers used the double negative, i.e. "No person...shall not" which means A person shall have and "No person... who shall not be an inhabitant" means a person must be an inhabitant of the state. Clause or paragraph two sets the constitutional qualifications which must be met to serve as a Representative. States are not restricted from setting other qualifications. Though it is not a qualification, tradition dictates that candidates legally reside in the district they run to represent.

CLAUSE OR PARAGRAPH THREE

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other Persons. The actual Enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have at least one Representative; and until such enumeration shall be made, the state of New Hampshire shall be entitled to chuse three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

In regard to income taxes, the direct tax requirement was voided by the Sixteenth Amendment. The 3/5 (three-fifths) reference to slaves was Canceled by the Thirteenth and Fourteenth Amendments. Since a state's representation in the House is based on its population, A census has been taken every ten (10) years, beginning with the first census in 1790. The current size of the House of Representatives – 435 members – was set by law in 1929. Since then, there has been a reapportionment of seats based on population shifts rather than an addition of seats.

CLAUSE OR PARAGRAPH FOUR

When vacancies happen in the Representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

A vacancy in the House of Representatives is filled through a special Election called by a state's governor (also known as a state's chief executive).

CLAUSE OR PARAGRAPH FIVE

The House of Representatives shall choose their speaker and other officers; and shall have the sole power of impeachment.

*Selecting House of Representatives' officers is strictly by party vote. The majority party (the party i.e. Democrats or Republicans, that has the most representatives) gets to choose the Speaker of the House who is the only selected officer from among the elected members of the House of Representatives. The other officers selected for the House of Representatives, who are **NOT** Representatives, are the Chaplain, Clerk, Sergeant of Arms, Doorkeeper, and Postmaster.*

Only the House of Representatives may impeach (impeach means charge Federal officials with not carrying out their duties).

Military officers are not subject to impeachment. Members of Congress (Representatives or Senators) are not subject to impeachment since either House can expel its members if it sees fit.

SECTION THREE: THE HOUSE OF SENATE

CLAUSE OR PARAGRAPH ONE

The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

This clause or paragraph establishes that each state will have two Senators and sets the senatorial term at six years. Selection of Senators by state legislatures was ended with the adoption of the Seventeenth Amendment in 1913 which stated that the people of each state would vote to elect their Senators.

CLAUSE OR PARAGRAPH TWO

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Paragraph Two provides for one-third of the membership of the Senate to be elected every two years. A state's governor (or chief executive) can fill a vacancy when a Senator resigns, or is unable to carry out his/her duties, or dies, by making a temporary appointment until the next general election.

CLAUSE OR PARAGRAPH THREE

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

When you read this clause be aware that the founding fathers used the double negative, i.e. "No person...shall not" which means A person shall have and "No person... who shall not be an inhabitant" means a person must be an inhabitant of the state. Clause or paragraph three sets the constitutional qualifications which must be met to serve as a

Senator. States are not restricted from setting other qualifications. Though it is not a qualification, tradition dictates that candidates legally reside in the district they run to represent.

CLAUSE OR PARAGRAPH FOUR

The Vice President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Vice President is the presiding officer of the Senate. The Vice President may (but is not required to) vote only when there is a tie vote on a bill or issue.

CLAUSE OR PARAGRAPH FIVE

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice President, or when he shall exercise the office of President of the United States.

*Selecting the House of Senate's officers is strictly by party vote. The majority party (the party i.e. Democrats or Republicans, that has the most representatives) gets to choose the President Pro Tempore, who is the only selected officer from among the elected members of the House of Senate. The President Pro Tempore presides over the Senate When the Vice President of the United States who is the President of the Senate, is unable to be present at the Senate because the Vice President is carrying out an executive function for the President of the United States. The other officers selected for the House of Senate, who are **NOT** Representatives, are the Chaplain, Clerk, Sergeant of Arms, Doorkeeper, and Postmaster.*

CLAUSE OR PARAGRAPH SIX

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no person shall be convicted without the concurrence of two thirds of the members present.

Only the House of Senate may try persons impeached by the House of Representatives. The Senate sets the date for trial and provides the accused with the "Articles of Impeachment" (a copy of the formal charges). The accused has the same basic legal rights of any defendant on trial. Conviction requires a two-thirds vote of "guilty" by the members present.

*The presiding officer of the Senate, either the President of the Senate or the President Pro Tempore, presides over the impeachment trial **except** in the case of the President of the United States where the Chief Justice of the United States Supreme Court presides.*

CLAUSE OR PARAGRAPH SEVEN

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States: but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

If convicted in an impeachment trial, punishment is limited to removal from office and, if the Senate Chooses, being barred from holding office in the future. But a person who has been impeached can still be tried in court for any crimes committed.

SECTION FOUR: CONGRESSIONAL ELECTIONS AND MEETINGS

CLAUSE OR PARAGRAPH ONE

The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each state by the legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

Before 1842, Congress had no election regulations. In 1842, Congress required members of the House of Representatives to be elected from districts in states having more than one Representative. In 1845, Congress set the first Tuesday after the first Monday in November as the day for selecting presidential electors (the electoral College). In 1872, Congress set the first Tuesday after the first Monday in November in even-numbered Years as the date for congressional elections. In 1913, following the adoption of the Seventeenth Amendment, Congress extended the first Tuesday after the first Monday in November to senatorial elections.

CLAUSE OR PARAGRAPH TWO

The Congress shall assemble at least once in every year, and such meeting shall [be on the first Monday in December](#), unless they shall by law appoint a different day.

The Twentieth Amendment changed the opening date for Congress to January 3. A new Congress begins on that date of each odd-numbered year and continues for two years regardless of the number of sessions held.

SECTION FIVE: CONGRESSIONAL POWERS AND DUTIES

CLAUSE OR PARAGRAPH ONE

Each House shall be the judge of the elections, returns and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties as each House may provide.

Each House has the power to exclude, or to refuse to seat a member Who has just been elected. Until 1969, each House viewed its power to judge qualifications as the power to set informal standards beyond the specified constitutional qualifications of age, citizenship, and residency. In 1969, the U. S. Supreme Court in the case of Powell vs. McCormick limited Congress' power to judgment of only the specified constitutional qualifications.

Technically to conduct business there must be a quorum of 218 members present in the House of Representatives and a quorum of 51 members present in the House of Senate. The quorum rule is seldom enforced, however, in handling of routine matters.

CLAUSE OR PARAGRAPH TWO

Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Each House sets its own rules. There are a few unique rules. One unique rule is the "seniority" rule which states that committee chairmanships go to the majority party member who has served the longest on the committee. Another unique rule is "senatorial courtesy," which states that the Senate will refuse to confirm a presidential appointment if a Senator from the appointee's home state and if the Senator is from the same party as the President objects to the appointment.

In the House of Representatives, debate is limited to one hour per member, unless that Representative has unanimous consent to speak longer. In the Senate, however, a member can hold the floor indefinitely by filibustering. Filibustering can be formally stopped, however, by a two-thirds vote of the members present. The vote to end the "free" debate is known as to invoke cloture.

Both Houses of Congress can censure (rebuke) or expel members for Misconduct, both have rarely been used.

CLAUSE OR PARAGRAPH THREE

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one fifth of those present, be entered on the journal.

Each House keeps a journal as well as a complete official record of everything said on the floor of its House, including the roll call votes on all bills or issues. The official record of each House is available in the Congressional Record published daily by the Government Printing Office. Here is one of the web sites for the Congressional Record: <http://www.gpoaccess.gov/crecord/search.html>

CLAUSE OR PARAGRAPH FOUR

Neither House, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two Houses shall be sitting.

Neither House may recess may recess for more than three (3) days without the consent of the other House, nor may either House conduct business in any place other than the capitol.

SECTION SIX: PRIVILEGES AND RESTRICTIONS OF MEMBERS

CLAUSE OR PARAGRAPH ONE

The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

To strengthen the federal government, the Framers (Writers) of the Constitution set congressional salaries to be paid by the U. S. Treasury rather than by the Representatives' and the Senators' Respective states. Originally, members of Congress were paid \$6.00 per day. Annual salaries began in 1815, when members of Congress were paid \$1,500.00 per year. Today salaries are \$169,300 for Representatives and Senators; Majority leaders, Minority Leaders, and The President Pro Tempore are paid \$188,100; and the Speaker of The House of Representatives is paid \$217,400. Members also receive Numerous monetary benefits such as travel allowances, free postage (known as franking privilege), and a special tax exemption for maintaining a second home in Washington, D. C.

The " immunity" privilege is of little importance today. The "immunity" privilege was a safeguard against the British colonial practice of arresting legislators on their way to or returning from performing their duties. Today the more important immunity is from slander and libel for anything said on the floor of either House or published in official publications.

CLAUSE OR PARAGRAPH TWO

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time: and no person holding any office under the United States, shall be a member of either House during his continuance in office.

A person cannot serve as a member of Congress and hold another Government office at the same time. A member of Congress also cannot hold any office established by Congress or receive any increased salary for an office that may have been approved during the time that Representative or Senator served in Congress.

SECTION SEVEN: THE LEGISLATIVE PROCESS

CLAUSE OR PARAGRAPH ONE

All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other Bills.

All money bills must begin in the House of Representatives. Money bills include two types – tax bills for raising revenues (money) and appropriation bills for spending funds (money)

CLAUSE OR PARAGRAPH TWO

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two thirds of that House, it shall become a law. But in all such cases the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

Paragraph Two of Section Seven outlines the basic requirements for enacting legislation. These are (1) bills must be approved in like form by both Houses of Congress, (2) bills must be submitted to the President for his signature, and (3) bills must be approved (signed) by the President.

Vetoed bills must be returned to the House that originated the bill along with the President's objections for reconsideration. A vetoed bill can be enacted into law by a two-thirds (2/3) vote of both Houses of Congress. This two-thirds vote is known as an override of a Presidential veto.

Should the President fail to sign a submitted bill within ten (10) business days, the bill automatically becomes law unless Congress has adjourned. If Congress has adjourned, then the bill fails to become a law. This waiting until Congress adjourns is known as a pocket veto. Unlike some governors, the President of the United States cannot veto certain items of a bill. The President must veto the entire bill. The ability to veto items in a bill is known as a line-item veto.

CLAUSE OR PARAGRAPH THREE

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

The Framers (Writers) of the Constitution included this paragraph to prevent Congress from passing joint resolutions instead of bills to avoid the possibility of a Presidential veto.

A bill is a draft of a proposed law, whereas a resolution is a formal Expression of opinion or intent on an issue.

SECTION EIGHT: LEGISLATIVE POWERS

Most of Congress' legislative powers are found in this Section. Congress' powers fall basically into seven categories – financial (clauses or paragraphs 1, 2, and 5); commercial (clauses or paragraphs 3 and 4); political (clauses or paragraphs 4 and 14 and Article 5); judicial (clauses or paragraphs 6, 9, and 10, and Article 3, Section 3); military (clauses or paragraphs 1, 11, 12, 13, 15, and 16); territorial (clauses or paragraphs 17 and Article 4, Section 3) and general (clause or paragraph 18).

CLAUSE OR PARAGRAPH ONE

The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

Congress may tax only for public purposes, and it must exercise its power with respect to all other constitutional provisions. In addition it can levy (create) a variety of taxes.

Taxes must be uniform – the same rate – throughout the Country. That is, the federal excise tax on tires in Pennsylvania must be the same as the federal excise tax on tires in Hawaii.

CLAUSE OR PARAGRAPH TWO

To borrow money on the credit of the United States;

When the need arises, Congress can borrow funds (money). The most common means of borrowing is through the sale of bonds. There is no constitutional limit on the amount Congress can borrow. Congress has placed a ceiling (a limit) on how much it can borrow; but Congress periodically revises the ceiling (limit) amount the federal government

can go into debt. Clause 2 along with Clause 18 (the Elastic Clause) is the basis for Congress' power to create a national Banking system.

CLAUSE OR PARAGRAPH THREE

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

Congress has the exclusive power to control foreign and Interstate commerce (trade). (This is part of the Commercial Compromise to create a free trade zone in the United States.) Congress' commerce (trade) power has expanded over time and today is quite broad.

Congress can exercise control over the buying, selling, and transporting of goods, and also control the means by which they are traded.

Congress can also use its power encourage, promote, protect, prohibit, restrain and restrict commerce.

The scope of Congress' power to regulate foreign commerce extends to approval of trade agreements, to levy (create) and collect duties (taxes) on imports, to prohibit harmful products from import, to restrict essential goods from export, to control immigration, to improve transportation, and to improve communication in all areas of trade by land, sea, or air.

CLAUSE OR PARAGRAPH FOUR

To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

Naturalization is the process by which immigrants become Citizens. Uniform rules adopted by Congress include being legally admitted to the United States, age, residency, education requirements, and an oath of allegiance to any foreign power.

Bankruptcy is the process by which debtors are relieved of debt obligations when they cannot pay in full. Bankruptcy is subject to both federal and state regulation.

CLAUSE OR PARAGRAPH FIVE

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

Since President Washington's administration, the federal government has issued coins (specie) in gold, silver and other metals. (Gold coins were minted until 1933 and were brought back in 2000 with the Sacagawea dollar.) Paper currency was not made legal tender (money a creditor is required by law to accept as payment) until 1863.

The U. S. monetary system is based on the decimal system, with Dollars as base unit. Congress adopted the English system of Weights and measures as a national standard in 1838.

CLAUSE OR PARAGRAPH SIX

To provide for the punishment of counterfeiting the securities and current coin of the United States;

Counterfeiting is punishable by a fine up to \$5,000.00 and/or Imprisonment up to fifteen (15) years.

CLAUSE OR PARAGRAPH SEVEN

To establish post offices and post roads;

Since colonial times, the postal service has been a government monopoly. Until 1970, the postal service operated as an executive department. In 1970, Congress established the United States' Post Office as an independent agency, headed by an eleven (11) member Board of Governors. Prior to 1970, Congress determined postal rates under its power to appropriate money for government operations. Today postal rates are set by an independent Postal Rate Commission and cannot be vetoed or altered by either Congress or the President.

CLAUSE OR PARAGRAPH EIGHT

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

The works of authors are protected by copyrights which today Extend for the life of the author plus fifty (50) years. The works of inventors are protected by patents which vary in length of protection from three and one-half (3 ½) years to seventeen (17) years. Patents are obtainable on processes as well as products.

One other type of protection exists – trademarks, which can be a word, letter, symbol, sound, device, or some combination of these, that signifies the origin or ownership of products. Registration of a trademark is for twenty (20) years, but it can be renewed innumerable (many) times.

CLAUSE OR PARAGRAPH NINE

To constitute tribunals inferior to the Supreme Court;

This clause or paragraph gave Congress the power to create the federal court system under the U. S. Supreme Court.

CLAUSE OR PARAGRAPH TEN

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

Though piracy was common in colonial times and the early development of our nation, cases of piracy are rare today. Congress does have the power to protect American ships on the high seas as well as safeguarding American citizens traveling on American ships.

CLAUSE OR PARAGRAPH ELEVEN

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

Only Congress can declare war. The President of the United States can petition or ask Congress for a declaration of war, but only Congress can declare war. But the President can, as Commander and Chief, use the armed forces much as he chooses. Presidents have used the armed forces abroad without a declaration Of war on well over one hundred (100) occasions. The power to commit troops to battle however, has been limited by the War Powers Act of 1973.

Letters of marque and reprisal, authorizing private parties to attack Enemy vessels in time of war, have been forbidden under international law Since 1856.

CLAUSE OR PARAGRAPH TWELVE

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

The restriction on funding was intended to ensure the army Would always be subject to civilian control.

CLAUSE OR PARAGRAPH THIRTEEN

To provide and maintain a navy;

Rules and procedures for the Navy are similar to those of The other armed services.

CLAUSE OR PARAGRAPH FOURTEEN

To make rules for the government and regulation of the land and naval forces;

Under this provision, Congress has established the Uniform Code of Military Justice.

CLAUSE OR PARAGRAPH FIFTEEN

To provide for calling forth the militia to execute the laws of the union, suppress insurrections and repel invasions;

Militia refers to the National Guard, the citizen soldiers of each state. During times of natural disasters or major domestic disturbances, the militia (National Guard) is used to enforce state and federal law. The militia (National Guard) is subject to the call of its state's governor. And the militia is also subject to the call of the President of the United States or of Congress for federal service.

CLAUSE OR PARAGRAPH SIXTEEN

To provide for organizing, arming, and disciplining, the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

When called into federal service, the militia (National Guard) is subject to the same rules and regulations that Congress has set for the armed services.

CLAUSE OR PARAGRAPH SEVENTEEN

To exercise exclusive legislation in all cases whatsoever, over such District (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings;--And

In order to check state interference and to avoid interstate Jealousy, the Framers (Writers) of the Constitution provided for a national seat (City) of government outside of any state. The national seat (city) of government is Washington, District of Columbia.

CLAUSE OR PARAGRAPH EIGHTEEN

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

This clause or paragraph is the basis of Congress' implied powers. Any implied power, however, must be related to an expressed power (one of the previous seventeen clauses or paragraphs) and must be constitutional in all other respects.

SECTION NINE: POWERS FORBIDDEN THE UNITED STATES

CLAUSE OR PARAGRAPH ONE

The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

This clause or paragraph contains the agreement the Framers (Writers of the Constitution) reached regarding the regulation of the slave trade in exchange for Congress' exclusive control over interstate commerce. When the Thirteenth Amendment was adopted in 1865 slavery ended. The importation of slaves became regulated by the Federal Government in 1808.

CLAUSE OR PARAGRAPH TWO

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

This section was to contain your basic civil right known as a writ of habeas corpus. A writ of habeas corpus is a court order to release or to bring an individual before the court to determine if that person should be charged with a crime. It is intended to prevent persons from being imprisoned for no reason. The writ may be suspended only during wartime or rebellion. The writ was suspended twice – first during the Civil War and secondly during World War II in Hawaii. The Hawaiian suspension was later declared unconstitutional in Duncan vs. Kahanomoku.

CLAUSE OR PARAGRAPH THREE

No bill of attainder or ex post facto Law shall be passed.

This section was to contain two more civil rights. The first civil right was the protection from bills of attainder. A bill of attainder is a law that is directed against an individual or group and provides punishment without a trial. The second civil right is the protection from ex post facto laws. An ex post facto law is a law which prescribes punishment for an act committed before the law's enactment.

CLAUSE OR PARAGRAPH FOUR

No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

A capitation tax is a direct tax imposed on individuals. The income tax, authorized by the Sixteenth Amendment, Is the exception to this prohibition.

CLAUSE OR PARAGRAPH FIVE

No tax or duty shall be laid on articles exported from any state.

The prohibition on taxing of exports was part of the Commercial and Slave Trade Compromises. This portion of the Compromise helped create the free trade zone within the United States.

CLAUSE OR PARAGRAPH SIX

No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another: nor shall vessels bound to, or from, one state, be obliged to enter, clear or pay duties in another.

This clause or paragraph contains the prohibition that prevents Congress from favoring one State or region over another in the regulation of trade. This portion of the Constitution also helped to create the free trade zone within the United States.

CLAUSE OR PARAGRAPH SEVEN

No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of receipts and expenditures of all public money shall be published from time to time.

This clause or paragraph insures legislative control of the nation's purse strings. It insures that the executive branch cannot spend money without authorization by Congress.

CLAUSE OR PARAGRAPH EIGHT

No title of nobility shall be granted by the United States: and no person holding any office of profit or trust under them, shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

This clause or paragraph contains the prohibitions that are intended to prevent creation of a monarchy and to prevent the bribery of American officials by foreign governments. Acceptance of a title Can be grounds for expatriation, or giving up citizenship.

SECTION TEN: POWERS FORBIDDEN THE STATES

CLAUSE OR PARAGRAPH ONE

No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

The powers listed here belong solely to the federal government or are denied to both the federal government and the state governments. The restrictions on the state governments were designed, in part, to prevent an overlapping in functions and authority with the federal government that could create conflict and chaos.

CLAUSE OR PARAGRAPH TWO

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing it's inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

This clause or paragraph insures that the states cannot be permitted to tax imports nor exports. Only Congress is allowed to set the tax rates for imports. The Constitution denies Congress and the States the power to tax exports. The States were denied the power to tax imports and exports because they could use their taxing power in a way to to weaken or destroy Congress' power to control interstate and foreign commerce (trade). Furthermore, if States had the power to tax the result would be conditions similar to those under the Articles of Confederation.

CLAUSE OR PARAGRAPH THREE

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

This clause or paragraph lists prohibited items for the States. But there are exceptions for this list of prohibited items. For Example, States can maintain a militia (National Guard). But the militia (National Guard) may only be used for internal disorders that arise within a State unless the militia is called into federal service.

States can enter into interstate compacts (agreements) regarding problems that require joint or regional action. But interstate compacts (agreements) require the approval of Congress.

ARTICLE TWO: THE EXECUTIVE BRANCH

SECTION ONE: THE PRESIDENT AND THE VICE PRESIDENT

CLAUSE OR PARAGRAPH ONE

The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows:

The Constitution confers certain powers and duties on the President. The growth of presidential power has come from Two sources-(1) conferred by act of Congress, and (2) concluded by the President as the result of actions taken as chief administrator, chief executive, chief diplomat, or commander-in-chief. The Presidency was established to provide an executive branch, it is logical for Congress to legislate in general terms and to leave to the President and the executive agencies discretionary power to execute (establish the details) its acts.

*Presidential facts: (1). Until the Twenty-Second Amendment, There was no constitutional restriction on the number of terms a President could serve. George Washington established the precedent of two terms which was followed until Franklin D. Roosevelt was elected to a third term in 1940 and to a fourth term in 1944. (2.) Two Presidents have had their sons become Presidents, John Adams (1796) and his son John Quincy Adams (1824) and George H. W. Bush (1988) and his son George W. Bush (2000). (3.) One President was the grandfather whose grandson also became a President, William Henry Harrison (1840) the grandfather and Benjamin Harrison the grandson. (4.) Two Presidents were cousins, Theodore Roosevelt (1901) and Franklin Roosevelt (1932). (5.) One President was elected for two terms but the terms were not consecutive terms. That President was Grover Cleveland (1884-1888 and 1892-1896). Here are two websites to use to research the Presidents of the United States:
(1.) http://americanhistory.about.com/od/uspresidents/a/fastfacts_pres.htm
(2.) <http://www.presidentsusa.net/fastfacts.html>*

CLAUSE OR PARAGRAPH TWO

Each state shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress: but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

*Clause or Paragraph Two outlines the procedure for electing the President of the United States. The person to become President of the United States is elected by a unique system. This system uses two elections. The first election is the popular election held in November where the voters vote for the candidate they want to become President. In December the second election occurs **which is the election that determines who will be President of the United States.** The second election is the Electora*

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College vote. This clause or paragraph gives details for determining how many electors and who will be members of the Electoral College from each State. The number of presidential electors for each State is determined by the number representatives a State has in the House of Representatives and in the House of Senate. [Remember the number of representatives in the House of Representatives for each state is determined by the population of each state (States with larger populations will have more representatives and thus more electors in the electoral college. Also remember the number of representatives for each State in the House of Senate will be two representatives because each State gets two Senators.)]

CLAUSE OR PARAGRAPH THREE

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each state having one vote; A quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.

Clause or Paragraph Three is coupled with Clause or Paragraph Two to outline the original method of electing the President and Vice President of the United States. The original method has been replaced by the method outlined in the Twelfth Amendment. The Electoral College system has had considerable change in the machinery created by the Framers. Here are four examples of changes that the Framers (Writers of the Constitution did not envision: (1.) the rise of political parties, (2.) the development of primary elections, (3.) the development of political party conventions, or (4.) the broadening of democracy where elector for the Electoral College would be elected rather than chosen by state legislatures.

Students will need to scroll to the Twelfth Amendment to research the current Electoral College.

CLAUSE OR PARAGRAPH FOUR

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Congress set the first Tuesday after the first Monday in November of every fourth year (leap year) as the general election date for selecting presidential electors in 1845.

CLAUSE OR PARAGRAPH FIVE

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty five years, and been fourteen Years a resident within the United States.

This clause or paragraph provides the only constitutional qualifications to be President. When you read this clause be aware that the founding fathers used the double negative, i.e. "No person...shall not" which means A person shall have and "No person... who shall not have attained the age of thirty-five (35)" means a person must be at least thirty-five years old. Clause or paragraph five sets the constitutional qualifications which must be met to serve as a President.

Note that the age requirement must be met at the time the oath of office is taken, and not necessarily at the time of election. Though not expressly stated, the qualifications to be Vice President are the same.

Note that a natural-born person is a person who is / was born in the United States or any of its territories under the Constitution of the United States. Martin Van Buren was the first President to be a natural-born President, Since the others were born prior to American independence. Presidents G. Washington, J. Adams, T. Jefferson, J. Madison, J. Monroe, J. Q. Adams, and A. Jackson qualified for the Presidency having been American citizens at the time of the adoption of the Constitution.

CLAUSE OR PARAGRAPH SIX

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Until the adoption of the Twenty-fifth Amendment (1967) which expressly provides for the Vice President to succeed to the Presidency, succession (who would become the President) was based on the precedent set by John Tyler in 1841 when he became the President when President William Henry Harrison died one month

into his term of office. The Twenty-Fifth Amendment also provides for procedures to fill vacancies in the Vice Presidency and further clarifies presidential succession rules.

Clause or Paragraph Six raises the question whether the Framers' (Writers of the Constitution) intention was for the Vice President to become President or if the intention was for the Vice President to serve as Acting President since nothing in the Constitution requires the Vice President to take a new oath of office when the powers and duties of the President devolve (are transferred) upon him.

In 1947 Congress provided for an official line of succession in cases When there is no Vice President to qualify. Here is the Order of Succession for the Presidency:

- [Vice President](#)
- [Speaker of the House](#)
- [President Pro Tempore of the Senate](#)
- [Secretary of State](#)
- [Secretary of the Treasury](#)
- [Secretary of Defense](#)
- [Attorney General](#)
- [Secretary of the Interior](#)
- [Secretary of Agriculture](#)
- [Secretary of Commerce](#)
- [Secretary of Labor](#)
- [Secretary of Health and Human Services](#)
- [Secretary of Housing and Urban Development](#)
- [Secretary of Transportation](#)
- [Secretary of Energy](#)
- [Secretary of Education](#)
- [Secretary of Veterans Affairs](#)
- [Secretary of Homeland Security](#)

CLAUSE OR PARAGRAPH SEVEN

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Originally, the President's salary was \$25,000.00 per year. Today the President is paid \$400,000.00 plus he has an expense account of \$50,000.00. The President also receives numerous fringe benefits including \$100,000.00 for travel and entertainment expenses as well as living accommodations in two residences (the White House and Camp David). The Vice President is paid \$212,100.00 per year. And Cabinet members receive \$171,900.00 per year. Listed below are the various job titles of the White House Staff for the current administration.

Title

Counselor to the President
Assistant to the President and Chief of Staff
Assistant to the President and Deputy National Security Advisor
Assistant to the President for National Security Affairs
Assistant to the President and Deputy Chief of Staff
Asst to the President for Economic Policy and Director, NEC
Assistant to the President and Dep Chief of Staff for Policy
Assistant to the President for Speechwriting
Counsel to the President
Assistant to the President for Presidential Personnel
Asst to the President, Deputy Chief of Staff and Senior Advisor
Assistant to the President and Press Secretary
Assistant to the President for Homeland Security and Cntrtrsm
Assistant to the President for Communications
Assistant to the President for Legislative Affairs
Assistant to the President and Staff Secretary
Assistant to the President for Domestic Policy
Dep Assistant to the President for Management and Administration
Deputy Counsel to the President
Dep Assistant to the President and Chief of Staff to the First Lady
Deputy Assistant to the President for Homeland Security and Exec
Deputy Assistant to the President for Inational Economic Affairs and Deputy NSA
Acting Director of Cabinet Liaison
Deputy Assistant to the President for Legislative Affairs
Deputy Assistant to the President and Director, Intergovernmental Affairs
Deputy Assistant to the President for Appts and Scheduling
Deputy Assistant to the President and Director of Advance
Dep Assistant to the President and Deputy Staff Secretary
Deputy Assistant to the President for Legislative Affairs
Dep Asstistant to the President and Deputy to the Senior Advisor
Deputy Assistant to the President and Director of Public Liaison
Dep Assistant to the President and Deputy Director of Communications for Policy and Planning
Deputy Assistant to the President for Legislative Affairs
Dep Assistant to the President and Deputy Press Secretary
Deputy Assistant to the President and Director of U.S.A. Freedom Corps
Dep Assistant to the President and Deputy Director of Communications for Production
Dep Assistant to the President and Director of Political Affairs
Deputy Assistant to the President and Director of Strategic Initiatives
Executive Director
Executive Clerk
Director, Law Enforcement Policy
Deputy Director
Director of Nuclear Defense Policy
Special Assistant to the President and Director for Border and Trans

Associate Counsel to the President
Associate Counsel to the President
Special Assistant to the President for Legislative Affairs
Associate Counsel to the President
Special Assistant to the President for Legislative Affairs
Special Assistant to the President for Legislative Affairs
Associate Counsel to the President
Special Assistant to the President and Dep Dir of Public Liaison
Special Assistant to the President for Intergovernmental Affairs
Special Assistant to the President for Legislative Affairs
Special Assistant to the President for COOP Policy
Associate Counsel to the President
Associate Counsel to the President
Special Assistant to the President for Legislative Affairs
Special Assistant to the President and Director of Media Affrs
Special Assistant to the President for Presidential Personnel
Associate Counsel to the President
Special Assistant to the President and Assistant to the Senior Advisor
Special Assistant to the President for Presidential Personnel
Special Assistant to the President for Cabinet Liaison
Special Assistant to the President and Dep Dir of Speechwriting
Associate Counsel to the President
Ethics Advisor
Director of Records Management
Associate Director
Director for Lessons Learned
Special Assistant to the President for Presidential Personnel
Associate Counsel to the President
Special Assistant to the President and Deputy Director, OFBCI
Special Assistant to the President for Legislative Affairs
Special Assistant to the President and Dep Press Secretary
Special Assistant to the President for Legislative Affairs
Special Assistant to the President for Legislative Affairs
Associate Counsel to the President
Special Assistant to the President for Prevention, Preparations and Response Policy
Associate Counsel to the President
Deputy Associate Counsel
Special Assistant to the President for Legislative Affairs
Associate Counsel to the President
Special Assistant to the President and Deputy Director
Deputy Executive Clerk
Ethics Advisor
Director, Training and Exercise Policy
Special Assistant to the President for Presidential Personnel

Special Assistant to the President and White House Social Secretary
Special Assistant to the President for Intergovernmental Affrs
Special Assistant to the President for Presidential Personnel
Special Assistant to the President and Associate Dirrector of Comm for Production
Special Assistant to the President, Deputy Director of Advance for Press
Special Assistant to the President for Intergovernmental Affairs
Special Assistant to the President and Personal Aide
Special Assistant to the President and Deputy Director, OPA
Special Assistant to the President and Deputy Director for Political Affairs
Special Assistant to the President and Personal Secretary
Special Assistant to the President and Deputy Director of Public Liaison
Special Assistant to the President for Domestic Policy and Director of Projects for First Lady
Special Assistant to the President for Operations
Special Assistant to the President for Speechwriting
Special Assistant to the President for Communications
Special Assistant to the President for Speechwriting
Special Assistant to the President and Personal Aide
Assistant to the Chief of Staff
Director, Office of the Chief of Staff
Associate Counsel
Supervisor of Search and File
Director of Television
Deputy Executive Secretary
Assistant Executive Clerk
Associate Director
Special Assistant to the Chief of Staff for Policy
Director of Transportation Security Policy
Director of Visas and Screening Policy
Director of Infrastructure Protection Policy
Supervisor of Data Entry
Supervisor of Classification
Director of the Travel Office
Director of White House Personnel
Special Assistant to the Chief of Staff for Policy
Lead Presidential Support Specialist
Assistant Supervisor of Search and File
Assistant to the Executive Clerk
Director of White House Management
Director of Infrastructure Protection Policy
Director of Preparedness Policy
Director of COOP Pollycy
Director of Response and Recovery Policy
Senior Advance Representative
Communications Advisor

Director of White House Visitors Office
Director of Mail Analysis
Acting Director of Presidential Correspondence
Press Secretary to the First Lady
Supervisor of Computer Administration
Shift Leader
Director of Specialty Media
Supervisor of Correspondence Review
Assistant Supervisor of Data Entry
Executive Assistant
Executive Assistant to the Deputy Assistant to the President for Homeland
Associate Director
Special Assistant to the Director
Internet and E-Communications Director
Deputy Director
Presidential Support Specialist
Director of Special Projects
Executive Assistant
Associate Director
Shift Leader
Director of Comment Line, Greetings and Volunteers
Director of Advance for the First Lady
Associate Director
Associate Director
Director Presidential Personal Correspondence
Associate Director
Associate Director
Associate Director
Senior Advance Representative
Records Management Analyst
Records Management Analyst
Associate Director
Deputy Director
Director of Immigration Security Policy
Associate Director
Deputy Director of Projects for the First Lady
Director of Aviation Security Policy
Associate Director
Hotel Program Manager
Speechwriter
Director of Scheduling for the First Lady
Associate Director
Special Assistant
Records Management Analyst
Assistant to the Executive Clerk

Director of Correspondence for the First Lady
Deputy Director
Deputy Social Secretary
Special Assistant to the Assistant to the President for Legis Affairs
Assistant to the Executive Clerk
Executive Assistant to the Deputy Chief of Staff
Director of Student Correspondence
Executive Assistant to the Deputy Chief of Staff and Senior Advisor
Executive Assistant
Associate Director
Speechwriter
Associate Director
Presidential Support Specialist
Manager of Mail and Messenger Operations
Director of Radio
Associate Director
Assistant Staff Secretary
Associate Director
Assistant Supervisor of Classification
Senior Advance Representative
Senior Press Advance Representative
Assistant Shift Leader
Senior Advance Representative
Assistant Staff Secretary
Assistant Shift Leader
Records Management Analyst
Director of Presidential Messages
Director of Presidential Support
Director of Schedule C Appointments
Spokesman
Director of Presidential Writers
Associate Director
Director of Coalitions Media
Senior Press Advance Representative
Senior Advance Representative
Executive Assistant to the Counsel to the President
Special Projects Coordinator
Director of Presidential Proclamations
Director of Administration
Associate Director
Associate Director
Spokesman
Associate Director
Assistant Staff Secretary
Executive Assistant

Associate Director
Associate Director
Associate Director
Associate Director
Director of Agency Liaison
Director of the Gift Office
Spokesman
Associate Director
Assistant Shift Leader
Records Management Analyst
Printer and Photograph Coordinator
Records Management Analyst
Associate Director
Special Assistant
Deputy Director and Intern Coordinator
Deputy Associate Director for Press Advance
Media Assistant
Assistant Shift Leader
Records Management Analyst
Records Management Analyst
Records Management Analyst
Records Management Analyst
Records Management Analyst
Director of Fact Checking
Senior Press Advance Representative
Associate Director
Associate Director
Associate Director for Outreach
Senior Press Advance Representative
Special Assisant and Personal Aide to the First Lady
Special Services Operator
Assistant Press Secretary
Deputy Director of Student Correspondence
Associate Director
Deputy Director of Presidential Messages
Deputy Director of Presidential Writers
Associate Director of Public Liaison
Associate Director
Senior Press Advance Representative
Director of Rapid Response
Associate Director
Deputy Associate Director for Scheduling Advance
Special Services Operator
Special Services Operator
Special Services Operator

Paralegal
Records Management Analyst
Staff Assistant
Director, Food Agriculture and Water Security Policy
Executive Assistant to the Director
West Wing Receptionist
Speechwriter
Deputy Associate Director
Confidential Assistant
Special Services Operator
Records Management Analyst
Deputy Director of Correspondence for the First Lady
Executive Assistant to the Chief of Staff to the First Lady
Executive Assistant
Director of Legislative Correspondence
Associate Director
Staff Assistant
Staff Assistant
Deputy Director of Comment Line and Greetings
Deputy Associate Director
Deputy Associate Director
Deputy Associate Director
Executive Assistant to the Deputy Counsel to the President
Executive Assistant
Deputy Director of Mail Analysis
Deputy Director of Proclamations
Deputy Associate Director
Advance Representative
Associate Director of Scheduling
Aide to the Assistant to the President for Homeland Security
Deputy Associate Director
Deputy Associate Director
Senior Writer
Deputy Associate Director
Deputy Associate Director
Travel Manager
Travel Manager
Travel Manager
Travel Manager
Executive Assistant
Deputy Associate Director
Deputy Director of Agency Liaison
Deputy Associate Director
Senior Writer
Deputy Press Secretary

Deputy Associate Director
Staff Assistant
Deputy Associate Director for Invitations and Correspondence
Special Services Operator
Writer
Deputy Director
Executive Assistant
Deputy Associate Director
Senior Trip Coordinator
Operator
Staff Assistant
Operator
Staff Assistant
Deputy Associate Director
Deputy Associate Director
Staff Assistant
Executive Assistant
Executive Assistant
Deputy Associate Director
Staff Assistant
Special Assistant
Deputy Associate Director
Associate Director
Deputy Assistant Staff Secretary
Deputy Associate Director
Special Assistant to the Director
Research Assistant
Writer
Deputy Associate Director
Deputy Associate Director
Press Assistant
Research Assistant
Senior Editor
Executive Assistant
Deputy Associate Director
Writer
Research Assistant
Executive Assistant
Executive Assistant
Staff Assistant
Deputy Associate Director
Deputy Associate Director
Research Assistant
Scheduler
Executive Assistant

Deputy Associate Director

Staff Assistant

Staff Assistant

Staff Assistant

Scheduler

Executive Assistant

Staff Assistant

Scheduler

Staff Assistant

Research Assistant

Staff Assistant

Executive Assistant

Staff Assistant

Agency Coordinator

Press Assistant

Press Assistant

Correspondence Analyst

Staff Assistant

Press Assistant

Staff Assistant

Staff Assistant

Staff Assistant

Staff Assistant

Writer

Staff Assistant

Invitation Assistant

Editor

Trip Coordinator

Staff Assistant

Correspondence Analyst

Correspondence Analyst

Staff Assistant

Writer

Staff Assistant

Staff Assistant

Press Assistant

Staff Assistant

Research Assistant

Staff Assistant

Writer

Staff Assistant

Staff Assistant

Staff Assistant

Staff Assistant

Correspondence Analyst

Correspondence Analyst
Staff Assistant
Correspondence Analyst
Correspondence Analyst
Writer
Editor
Staff Assistant
Staff Assistant
Staff Assistant
Agency Coordinator
Trip Coordinator
Staff Assistant
Staff Assistant
Staff Assistant
Volunteer Coordinator
Correspondence Analyst
Staff Assistant
Gift Analyst
Correspondence Analyst
Gift Analyst
Writer
Correspondence Analyst
Correspondence Analyst
Writer
Staff Assistant
Chairman
Vice Chairman
Board Member
Board Member
Board Member

Here are the job titles for the Household staff of the White House:

Today, a household staff of approximately 90 full-time domestic and maintenance employees—including butlers, maids, engineers, housemen, chefs, electricians, florists, ushers, doormen, carpenters and plumbers—work together under one roof to operate, maintain and preserve the 132-room residence.

Secret Service

The [United States Secret Service](#) is charged with protecting the sitting president and his family. Until 1997, all former presidents and their families were protected by the Secret Service until the president's death. The last president to have lifetime Secret Service protection is [Bill Clinton](#); George W. Bush and all subsequent presidents will be protected by the Secret Service for a maximum of ten years after leaving office.^[15] However, debates in Congress have been raised concerning this decision. Following the increase in terrorism and threats to the president in general since 1997, lifetime protection is being reconsidered.

CLAUSE OR PARAGRAPH EIGHT

Before he enter on the execution of his office, he shall take the following oath or affirmation:--"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

The oath of office is generally administered by the Chief Justice of the United States Supreme Court, but can be administered by any official authorized to administer oaths. All Presidents-elect except George Washington have been sworn into office by the Chief Justice of the United States Supreme Court. Only Vice Presidents John Tyler, Calvin Coolidge, and Lyndon Johnson in succeeding to the office have been sworn in by someone else.

SECTION TWO: POWERS OF THE PRESIDENT

The President's powers can loosely be categorized under the headings of executive, legislative, diplomatic, military, and judicial.

CLAUSE OR PARAGRAPH ONE

The President shall be commander in chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Though not an active field commander, all military personnel are subordinate to the President. This provision insures civilian control over the military. The President's military powers do have certain limits; as Congress has the power to raise and support the armed forces, while the President has the power to command, deploy, and use the armed forces as the need arises.

The provision that the President "may require the opinion..." is

the constitutional basis for the development of the Cabinet.

Like the other powers, the President's judicial powers are limited. Presidential clemency (mercy) is limited to those cases where the defendant is accused or convicted of a federal crime. Here are three types of Presidential clemency(mercy): (1.) A reprieve, which is a delay in carrying out a sentence. (2.) A pardon, which is a legal absolution of responsibility for a crime. (3.) A commute of sentence where the penalty is reduced. (4.) A parole (suspend the completion of) an imposed sentence.

CLAUSE OR PARAGRAPH TWO

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President is the chief architect of American Foreign policy. He is responsible for the conduct of foreign relations, or dealings with other countries. Though requiring Senate approval, a treaty is ratified (signed upon approval) by the President. If it is not ratified or made public, an approved treaty is voided, and the Senate cannot override the President's decision to kill it. In Addition to treaties, the President can make executive agreements with other countries. Executive agreements do not require Senate approval.

Most federal positions today are filled under the rules and regulations of the civil service system. Most Presidential appointees serve at the pleasure of the President. Removal of an official by the President is not subject to congressional approval. But the power can be restricted by conditions set in creating the office.

CLAUSE OR PARAGRAPH THREE

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Presidential appointments requiring Senate approval are made on a temporary basis if the Senate is in recess.

SECTION THREE: DUTIES OF THE PRESIDENT

CLAUSE OR PARAGRAPH ONE

He shall from time to time give to the Congress information of the state of the union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

Today the President is the chief designer of the nation's major Legislative programs. Presidential recommendations are put forth in the State of the Union Address, the federal budget, and special messages dealing with specific proposals.

The provision to "received ambassadors..." is the constitutional basis of the President's power to extend and to withdraw diplomatic recognition of a foreign government.

All military commissions (appointments as officers in the armed forces) require Presidential authorization and Senatorial approval.

SECTION FOUR: IMPEACHMENT

CLAUSE OR PARAGRAPH ONE

The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Presidential appointees can be removed by the impeachment Process as well as by being asked to resign by the President. (Remember that the House of Representatives impeaches or charges officials and then the House of Senate conducts the trial for the impeachment charges. Only after a guilty verdict of 67% or two-thirds at the impeachment trial is the accused removed from office.

ARTICLE THREE: THE JUDICIAL BRANCH

SECTION ONE: THE UNITED STATES COURTS

CLAUSE OR PARAGRAPH ONE:

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

Section One creates the national judiciary (the Federal Court System). Congress established the federal or national court system with the Judicial Act of 1789. (Congress received the power to create the courts from Article One, Section Eight, Clause or Paragraph Nine.) The system that was created is still in use with the system being set up in the following manner:

- (a.) Any federal case starts in the Federal District Courts. There is at least one Federal District Court in every State and there are ninety-eight Federal District Court Districts in the United States. If either the plaintiff or the defendant wants to appeal a Federal District Court decision they may do so.*
- (b.) A Federal District Court decision is appealed to the Federal Court of Appeals. The Federal Court of Appeals is the second Level of the Federal Court System. There are eleven judicial Circuits each with a Federal Court of Appeals.*
- (c.) A Federal Court of Appeals decision may be appealed one more time to the Federal Supreme Court. The Supreme Court of the United States is the last step in the appeals process. (Article Three, Section Two, Clause or Paragraph Two gives the Supreme Court Original jurisdiction in specific cases.)*

In addition to the Federal Court System there are three other special constitutional courts that were developed by Congress. The special constitutional courts are: (1.) The Court of Claims established in 1855; (2.) The Customs Court established in 1890; and (3.) The Court of Customs and Patent Appeals established in 1910.

The qualifications for Federal Judges are these: (1.) Federal judges are appointed by the President of the United States. (2.) The House of Senate must approve the Presidents appointment. (3.) Judges may hold their office for life as long as they demonstrate good behavior. Originally, judges salaries were \$3,500.00 and the Chief Justice received \$4,000.00. Today Supreme Court Justices are paid

SECTION TWO: JURISDICTION

CLAUSE OR PARAGRAPH ONE:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under

grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

Jurisdiction is the right of a court to try a case. Federal courts have jurisdiction over a case because of its subject matter or the parties involved. Since the adoption of the Eleventh Amendment, however, a state cannot be sued in federal court by a resident of another state or a citizen of a foreign country.

The judicial power of the United States includes civil cases (private wrongs that arise under common law or equity) as well as criminal cases (cases where someone is accused of violating a law). Common law is the rules and principles that developed in England from decisions made on the basis of custom. Equity is a branch of law that provides legal remedy when strict application of common law results in an injustice.

CLAUSE OR PARAGRAPH TWO:

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The Supreme Court has both original and appellate jurisdiction. Original jurisdiction refers to cases to be tried for the first time. Appellate jurisdiction refers to cases to be reviewed after being tried in a lower court. The vast majority of cases that the Supreme Court hears are on appeal from a lower court. All Supreme Court decisions are by majority opinion (vote).

CLAUSE OR PARAGRAPH THREE:

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

All persons accused of committing a crime or which they can be tried in Federal court are guaranteed the right of trial by jury in the state where the crime takes place. For crimes committed at sea or in international waters, Congress has provided that the accused be tried by the Federal District Court of the district where that person is surrendered into custody.

SECTION THREE: TREASON

CLAUSE OR PARAGRAPH ONE:

Treason against the United States, shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be

convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Treason is the only crime specifically defined in the Constitution, and Congress cannot alter or amend the criteria for conviction. A person can be charged (accused) of treason if they are an American citizen at home (living in the United States), an American citizen living abroad, or a resident alien (foreigners living in the United States).

CLAUSE OR PARAGRAPH TWO:

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

Congress has set the punishment for treason to be from a minimum of five years imprisonment and a \$10,000.00 fine to maximum penalty of death. No person convicted of treason has ever been executed by the United States.

ARTICLE FOUR: RELATIONS AMONG THE STATES

SECTION ONE: OFFICIAL ACTS

CLAUSE OR PARAGRAPH ONE:

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

*States must honor the laws, records, and court decisions of other states. Regarding judicial proceedings, there are two exceptions to the rule:
(1.) one state does not have to enforce another state's criminal code, and
(2.) one state does not have to recognize another state's grant of a divorce if legitimate residence was not established by the person obtaining the divorce.*

SECTION TWO: PRIVILEGES OF CITIZENS

CLAUSE OR PARAGRAPH ONE:

The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A resident of one state may not be discriminated against unreasonably by another state.

CLAUSE OR PARAGRAPH TWO:

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

Article Four, Section 2, Clause or Paragraph 2 develops a process for the problem of a person committing a crime in one state and then that person flees (runs away) to another state. The State where the crime was committed would want the person returned to them to try the case. The process of returning a fugitive to the State where a crime has been committed is known as extradition. The extradition process begins with executive authority (governor) of a State demanding the return of the fugitive from justice. Most requests are routinely processed, but the Constitution does not absolutely require that a fugitive surrendered (returned). The executive authority (governor) can refuse to honor the request for extradition if it will result in an injustice to the fugitive (the person who fled).

CLAUSE OR PARAGRAPH THREE:

No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

This provision applied to fugitive slaves (runaway slaves). This Clause or Paragraph was cancelled by the Thirteenth Amendment.

SECTION THREE: NEW STATES AND TERRITORIES

CLAUSE OR PARAGRAPH ONE:

New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned as well as of the Congress.

Only Congress can admit states to the Union. New states are admitted on the basis of equality with older states. The general process to become a state is outlined in the Northwest Ordinance of 1787.

Though a new state cannot be carved out of an existing state without its Consent, there has been one unusual exception. The exception is West Virginia, which was admitted into the Union in 1863 after Virginia had Seceded from the Union and Congress held that the 40 counties of western Virginia that remained loyal to the Union constituted a “ legal” government.

CLAUSE OR PARAGRAPH TWO:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Congress has the power to control all property belonging to the United States. Congress can set up governments for territories, establish national parks, establish national forests, authorize reclamation projects, and exercise eminent domain (the taking of private property for public use through condemnation).

SECTION FOUR: PROTECTION OF THE STATES

The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

The Constitution does not define what a “republican form of government” is. The Supreme Court of the United States has held a republican form of government to mean a government in which the people (constituents) choose their own representatives to run the government and make the laws according to the powers delegated or enumerated to the representatives as stated in the Constitution of the United States.

The Federal government will protect the states against invasion. And on the application of a state’s legislature or on the application of a state’s executive (governor), the Federal government will help to end domestic violence (rebellion or rioting). When the Federal government steps in to help the States, it can use whatever means are necessary to prevent a foreign invasion. The Federal government can use whatever means are necessary to put down domestic violence (rebellion or riots.)

ARTICLE FIVE: THE AMENDMENT PROCESS

CLAUSE OR PARAGRAPH ONE

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

Article Five outlines how the Constitution can be amended (changed) without

destroying the entire document and thus forcing the writing of a new constitution. In Article Five, the amendment process establishes two methods for proposing amendments and the amendment process establishes two methods of ratification (enacting the amendment as part of the Constitution and thus the law of the land).

To date, all of the amendments (twenty-seven) have been proposed by Congress. Only one amendment, the Twenty-First, has been ratified by state conventions instead of by the state legislatures.

There is only one restriction to changing the Constitution-that restriction is that no State can be denied its equal representation in the Senate.

ARTICLE SIX: GENERAL PROVISIONS: (THE LEGAL STATUS OF THE CONSTITUTION)

CLAUSE OR PARAGRAPH ONE:

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This provision assured the nation's creditors that the new federal government would assume the existing financial obligations of the country. (In other words the people who had loaned money to the government were being told that the government would pay any debts from the Articles of Confederation government.

CLAUSE OR PARAGRAPH TWO:

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Clause or Paragraph Two of Article Six is known as the "Supremacy Clause." This Clause guarantees that federal laws will take priority over state laws in cases of conflict between the federal and state laws. To be a valid law, the law must be constitutional.

CLAUSE OR PARAGRAPH THREE:

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support

this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Once elected all government officials must affirm or take an oath to uphold the Constitution. No religious qualification can be set as a requirement for holding public office.

ARTICLE SEVEN: RATIFICATION

CLAUSE OR PARAGRAPH ONE:

The ratification of the conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

To become the law of the United States, nine states were required to ratify (approve) the Constitution. Delaware was the first state to ratify the Constitution, New Hampshire was the ninth, but not until Virginia (the tenth) and New York (the eleventh) ratified the Constitution was it assured that the Constitution was going into effect.

CLAUSE OR PARAGRAPH TWO: THE SIGNERS

Done in convention by the unanimous consent of the states present the seventeenth day of September in the year of our Lord one thousand seven hundred and eighty seven and of the independence of the United States of America the twelfth.

In witness whereof We have hereunto subscribed our Names,

G. Washington-Presidt. and deputy from Virginia

New Hampshire: John Langdon, Nicholas Gilman

Massachusetts: Nathaniel Gorham, Rufus King

Connecticut: William Samuel Johnson, Roger Sherman

New York: Alexander Hamilton

New Jersey: William Livingston, David Brearly, William Paterson, Jonathan Dayton

Pennsylvania: Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer,

Thomas FitzSimons, Jared Ingersoll, James Wilson, Gouverneur Morris

Delaware: George Read, Gunning Bedford Jr., John Dickinson, Richard Bassett, Jacob Broom

Maryland: James McHenry, Daniel of St Thomas Jenifer, Daniel Carroll

Virginia: John Blair, James Madison Jr.

North Carolina: William Blount, Richard Dobbs Spaight, Hugh Williamson
South Carolina: John Rutledge, Charles Cotesworth Pinckney, Charles Pinckney,
Pierce Butler
Georgia: William Few, Abraham Baldwin

Attest: William Jackson, **Secretary**

Of the 55 delegates who attended the Constitutional Convention, only 38 signed the document. The 39th signature – that of John Dickinson – was written by George Read at Dickinson's request. Elbridge Gerry of Massachusetts, Edmund Randolph of Virginia, and George Mason of Virginia refused to sign the Constitution. Thirteen delegates left the Constitutional Convention prior to its end and thus did not vote. And Rhode Island sent no delegates to the convention.